

M e m o r a n d u m

Date: July 10, 2010

To: Office of Assistant Commissioner, Inspector General

Attention: Office of Inspections

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Central Division

File No.: 401.11497.18824.Chapter11response430.doc

Subject: CHAPTER 11 - COLLISIONS, ENFORCEMENT, AND SERVICES

During the 2nd Quarter of 2010, Central Division conducted a Chapter 11 (Collisions, Enforcement, and Services) inspection at the Fort Tejon Area. Attached is the Inspection Checklist and accompanying Exceptions Document prepared by Lieutenant D. Gilmore. The findings of the inspection indicated the Fort Tejon Area was found not to be in compliance with departmental policy and further follow-up is required. Central Division will continue to monitor quarterly inspections to ensure compliance and report future findings to the Office of Inspections. In accordance with HPM 22.1, Central Division has reviewed and concurs with the findings of the inspection report.

If there are any questions, please contact Lieutenant J. C. Elsome at (559) 277-7250.



J. R. ABRAMES, Chief

Attachments

cc: Fort Tejon Area ✓

Safety, Service, and Security

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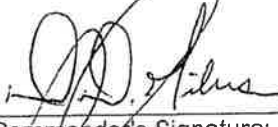
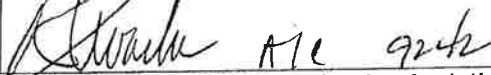
COMMAND INSPECTION PROGRAM INSPECTION CHECKLIST

Chapter 11

Collisions, Enforcement, and Services

Command: Fort Tejon Area	Division: Central Division	Number:
Evaluated by: Lieutenant Damon Gilmore		Date: June 14-15, 2010
Assisted by: Sergeant Matt Drewry, Sergeant Don Tripp		Date: June 14-15, 2010

INSTRUCTIONS: Answer individual items with "Yes" or "No" answers, or fill in the blanks as indicated. Any discrepancies with policy, applicable legal statutes, or deficiencies noted in the inspections shall be commented on via the "Remarks" section. Additionally, such discrepancies and/or deficiencies shall be documented on an Exceptions Document and addressed to the next level of command. Furthermore, the Exceptions Document shall include any follow-up and/or corrective action(s) taken. If this form is used as a Follow-up Inspection, the "Follow-up Inspection" box shall be marked and only deficient items need to be re-inspected.

TYPE OF INSPECTION		Lead Inspector's Signature:	
<input checked="" type="checkbox"/> Division Level	<input type="checkbox"/> Command Level		
<input type="checkbox"/> Executive Office Level	<input type="checkbox"/> Voluntary Self-Inspection		
Follow-up Required:	<input type="checkbox"/> Follow-up Inspection	Commander's Signature:	Date:
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		 AIC 9242	7-2-10

Note: A "Yes" response indicates full compliance with policy. If a "No" or "N/A" box is checked, the "Remarks" section shall be utilized for explanation.

Questions 1 through 3 pertain to Data Collection.

1. Is the information in Program 10 reports used by the Area?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
2. Is any additional information used by the Area to prepare scheduling, beat priorities, Special Enforcement Unit (SEU) enforcement, or grant applications?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
3. Do supervisory or management staff convey this data to field officers?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks: Training days, briefings, 100 forms.

Questions 4 through 9 pertain to Collision Reduction Plans.

4. Does the Area have a Collision Reduction Plan? Attach to this report.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks: Strategic Plan.
5. Does the Collision Reduction Plan address specific problems?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
6. Are goals and objectives measurable?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
7. Have collisions been reduced since the inception of the plan?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
8. Did road patrol officers assist in the formulation of the plan(s)?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
9. Do supervisors or managers discuss the Collision Reduction Plan in briefing or training days?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:

Questions 10 through 18 pertain to Deployment and Scheduling.

10. Are beat priorities set based on collisions?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
11. Are beat priorities reviewed on a regular basis for accuracy?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
12. Is the priority schedule consistent with collision and congestion times?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
13. Is the Area beat guide current on beat-specific descriptions and instructions?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks: Last revision was in 1993.
14. Does the Area have a list of reoccurring special events?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks: Three Annual Events.
15. Has overtime been budgeted for these events?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks: P.A.O. / Grant O.T.

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16. Are supervisors and managers scheduled based on high activity and special event times?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
17. Are motorcycle officers scheduled separately?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Remarks:
18. Are alternate riders available?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Remarks:
Questions 19 through 33 pertain to Enforcement.				
19. Do the officers prepare documents in accordance with HPM 100.9, Enforcement Documents Manual?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks: Refer to exceptions document.
20. Are Area personnel preparing Collision Reports in accordance with HPM 110.5, Collision Investigation Manual?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
21. Are hit and run collisions being adequately investigated?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
22. Do arrest reports contain enough evidence to charge the offenses requested?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
23. Do arrest reports contain the proper headings?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
24. Do the officers follow HPM 70.4, DUI Enforcement Manual, in regards to Field Sobriety Testing and Chemical Testing?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks: Refer to exceptions document.
25. Is the Area's Standard Operating Procedures (SOP) regarding Preliminary Alcohol Screening (PAS) devices in compliance with HPM 70.4?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
26. Does the Area keep accurate and updated forms CHP 202J, Preliminary Alcohol Screening (PAS) Device Out/In Usage Log, in compliance with HPM 70.4?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
27. Is the Area in compliance with HPM 100.4, Radar Speed Enforcement Manual?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks: Per Central Division's Biennial Inspection.
28. Do the Area's Sobriety Checkpoint Plans conform to HPM 70.4?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Remarks:
29. Do the CHP 205, Sobriety/Driver License Checkpoint Activity Report, forms concur with the checkpoint plan?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Remarks:
30. Is the Area's Drug Recognition Expert (DRE) program in compliance with GO 70.14, Peace Officer Standards and Training, and HPM 70.4?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
31. Does the Area have SOP regarding call out procedures for DREs?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks: Refer to exceptions document.
32. Are the DRE training records up to date, including decertification?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
33. Does the Area have an SEU?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
Questions 34 through 41 pertain to Services.				
34. Does the Commander emphasize the importance of service as outlined in GO 100.45?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:

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35. Does the Area have SOP for females in need of assistance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
36. Do CHP 415, Daily Field Record, forms reflect services provided to disabled motorists?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
37. Are CHP 422, Vehicle Check/ Parking Warning/ Highway Damage Report, used in accordance with policy contained in HPM 100.9?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks: Refer to exceptions document.
38. Are vehicles stored, if left on the freeway longer than four hours?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
39. Are all uniformed employees annually trained in GO 100.6, Special Relationships?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
40. Are collision reports available within eight days? If not, what percentage are available?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
41. Are the headings in collision reports in compliance with HPM 110.5?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:

**COMMAND INSPECTION PROGRAM
EXCEPTIONS DOCUMENT**

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Command: Fort Tejon Area	Division: Central Division	Chapter: Chapter 11
Inspected by: Lieutenant D. D. Gilmore		Date: June 14-15, 2010

INSTRUCTIONS: This document shall be typed. Check appropriate boxes as necessary, or fill in the blanks as indicated. Enter the chapter number of the inspection in the Chapter Inspection number. Under "Forward to:" enter the next level of command where the document shall be routed to and its due date. This document shall be utilized to document innovative practices, suggestions for statewide improvement, identified deficiencies, corrective action plans. A CHP 51 Memorandum may be used if additional space is required.

TYPE OF INSPECTION <input checked="" type="checkbox"/> Division Level <input type="checkbox"/> Command Level <input type="checkbox"/> Executive Office Level		Total hours expended on the inspection: 36	<input type="checkbox"/> Corrective Action Plan Included <input type="checkbox"/> Attachments Included
Follow-up Required: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Forward to: Due Date:		
Chapter Inspection:			
Inspector's Comments Regarding Innovative Practices:			

Command Suggestions for Statewide Improvement:

Inspector's Findings:

The Central Division Inspection South Sector Team conducted an inspection per HPM 22.1, Command Inspections Program Manual, Chapter 11, Collisions, Enforcement, and Services. The inspection team arrived in the Fort Tejon Area on Monday, June 14, 2010, and completed their work on Tuesday, June 15, 2010. The following inspectors worked the corresponding hours as indicated below:

Inspector	Number of Hours
Lieutenant D. D. Gilmore, ID 13666	12
Sergeant D. P. Tripp, ID 15520	12
Sergeant M. J. Drewry, ID 15798	12
Total	36

This inspection was conducted using the methodology contained in Chapter 11 of HPM 22.1.

Collisions:

A random sample of 60 individual collisions from the review period were selected for assessment, to determine if the reports and investigations were properly formatted and met the minimum requirements

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as specified in HPM 110.5, Collision Investigation Manual, whether hit and run investigations were sufficiently investigated, and if proper prosecution was sought.

Deployment and Scheduling:

The current collision reduction plan (Strategic Plan) in place was reviewed to ensure it was measurable, complete, flexible, and understandable. The current beat priority was analyzed to evaluate the command's method for determining staff scheduling priorities, impact from vacation scheduling, known special events, and administrative coverage based on the priorities for road patrol, and to determine if the beat descriptions and instructions are current and in compliance with GO 100.64, Beat Descriptions.

Enforcement:

A random sampling of six arrest reports (ten percent of 2009 totals) not related to DUI or vehicle theft were reviewed to determine if the elements of the offenses charged were being established and documented properly, whether supervisors are reviewing the reports, and if the officers are following state law and policy (e.g. juvenile notification requirements, citizen arrest procedures, etc.). A sample of 50 DUI reports were reviewed as well, including closed cases. The goal was to determine if the proper documentation is included in the report, if personnel were adhering to policy contained in HPM 70.4, Driving Under the Influence Enforcement Manual, in regards to field sobriety tests and chemical testing, and if proper prosecution is being sought.

The Area's Standard Operating Procedure (SOP) regarding Preliminary Alcohol Screening (PAS) devices and the CHP 202J, Preliminary Alcohol Screening Device Out/In Usage Log, was reviewed to determine if local policies were in compliance with HPM 70.4. In addition, SOP was reviewed to determine local procedures relating to the Drug Recognition Expert (DRE) program, including call out procedures.

#19: A random sampling of 50 enforcement documents from 2009-2010, specifically CHP 215's and CHP 281's, revealed a majority of the officers do not write the insurance policy number on CHP 215's, as required by policy contained in HPM 100.9. The sampling also revealed officers do not consistently include the following required information on their CHP 215's: age, registered owner, registration expiration, insurance company name, and date of issuance. CHP 267's were sampled and found to be completed in accordance with policy.

#20: A random review of sixty collision reports between the years of 2007 and 2009 indicated Area personnel had prepared collision reports in accordance with HPM 110.5.

The Area Accident Investigation (AI) review officer indicated that between 30 and 40 collision reports are submitted for review each month. The general rate of returned for reports needing corrections is approximately 75 percent. According to the AI review officer, reports are commonly returned to investigators for having minor typos, incorrect coding of face pages, and insufficient statements.

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Another cause for reports being returned is from glitches within the Cars Program itself.

#21: Fifteen hit and run collisions were randomly selected between the years of 2007 and 2009. A majority of the reports were for property damage only collisions. The reviewed reports with identified follow-up, where a driver could be identified, were written in the correct collision "investigation" format (Long Format), outlined in HPM 110.5.

#22, 23: Fort Tejon Area officers completed 55 arrest reports in 2009, excluding DUI, vehicle theft, and citation violations. A random sampling of 10 percent of these felony and misdemeanor arrest reports for calendar year 2009 revealed the reports contained enough evidence to support charging the offenses requested. The narratives of the arrest reports supported the charges listed on the face page. One felony 11360 HS investigation was not properly formatted. The remaining reports contained the proper headings and the correct narrative format was used. Only six vehicles were reported stolen in the Fort Tejon Area during 2009 and the corresponding CHP 180's indicated the incidents were properly investigated. In 2009, six arrests were made for 10851 VC. The CHP 216 arrest reports related to these arrests contained the proper headings and the correct narrative format. The CHP 180's that were completed for stolen vehicle recoveries generally contained appropriate narrative information to document the circumstances surrounding the recoveries. A comparison of the number of arrests to the number of charges filed and the number of convictions was performed and documented on the attached spreadsheet. The filing and conviction rates indicate Fort Tejon Area arrest reports contain enough information to charge the offenses requested and proper prosecution is being sought.

#24: A random sampling of 50 CHP 202's for calendar year 2009 were reviewed. The review revealed the majority of Area officers follow HPM 70.4 in regards to Field Sobriety Testing (FST) and Chemical Testing. The exceptions included one report, which utilized the antiquated term "Alcohol Gaze Nystagmus" instead of the appropriate term "Horizontal Gaze Nystagmus". In five reports, officers utilized "Modified Position of Attention" (MPOA) as a field sobriety test, which is not a departmentally approved FST per HPM 70.4. Two reports indicated the arresting officer did not wait at least two minutes between PAS samples. One report contained a discrepancy between the PAS results listed on page 2 and those indicated on page 3. One report had inaccurate PAS times, indicating the PAS tests were given two hours apart. One report had no information relative to "Location Description" on page 2. One report did not indicate that the investigative questions were asked prior to the FST's. A few of the reports also contained typographical errors and misspellings. Most of the investigations did not include all of the Standardized Field Sobriety Tests as recommended, but not required, by policy. However, most of the additional tests given were authorized by policy, with the exceptions noted above. The discrepancies noted above do not appear to have had an impact on the outcome of these cases. A comparison of the number of arrests to the number of charges filed and the number of convictions was performed and documented on the attached spreadsheet. The filing and conviction rates indicate Fort Tejon Area DUI reports contain enough information to charge the offenses requested and proper prosecution is sought.

#26: Area officers properly complete CHP 202J, PAS Device Out/In Usage Logs. However, a review of the PAS calibration logs revealed the PAS devices are not consistently calibrated every 10 days, as required by HPM 70.4 and Title 17. There have been several time gaps including a three month period

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in which the PAS devices were not calibrated. The Area PAS Coordinator confirmed he has not consistently calibrated the PAS devices within the 10 day requirement and stated the three month gap occurred when he ran out of PAS solution.

#27: The inspection team reviewed several CHP 215s on which radar was used as the primary source of the violation and found officers are not consistently including the patrol vehicle license number on these citations, as required by HPM 100.9. The Central Division Biennial Audit was completed on 09/26/08. Additionally, Area radar records indicate all radar trained personnel received annual recertification in the first quarter of 2010, and the radar units are being calibrated appropriately.

#31: Area does not have DRE call out procedures as required by HPM 70.4, page 11-4.

#32: Training records for Area DRE officers were not properly maintained within the Employee Training Record System (ETRS). The list of Area DRE's within the automated database is incomplete. The majority of "last" certification dates listed in the ETRS for Area DREs are incorrect.

Services:

For the Services portion of this inspection, a random sampling of 20 individual officers' CHP 415's, Daily Field Record, were reviewed to determine if the amount of service rendered is appropriate for the Area. Finally, a review of training and SOP regarding special relationships was conducted.

#37: The Area's SOP contains local procedures relating to the use of CHP 422's; however, interviews of Area personnel revealed this portion of SOP is not consistently followed. Specifically, the upper portion of the 422's are not consistently filled out or submitted to subsequent shifts. Although the upper portion of the CHP 422's are not utilized, a review of CHP 180's indicates officers appropriately utilize CHP 422's to substantiate storages of vehicles abandoned on the freeway and other locations.

#38: 70 vehicles were stored for 22651(f) VC in 2009. A review of 10 percent of these CHP 180's indicated the storages were appropriate and officers routinely attach CHP 422's to the CHP 180's to substantiate the reasons for the storages. The CHP 180's indicate vehicles are sometimes left on the freeway in excess of four hours; however, this appears appropriate. The Fort Tejon Area contains freeways that are far removed from services; therefore, officers often provide motorists with extended timeframes to remove vehicles left on the freeway. Additionally, the Area is rural with wide roadway shoulders; therefore, vehicles on the shoulder do not always create an unusual safety hazard.

#40: In 2009, Area had an average of 88% of its collision reports completed and ready for the public within eight days or less. Area has a process in place whereas every Thursday the Area Commander receives a collision deficiency report from the AI review officer. The commander identifies reports that are at the five day incomplete mark and forwards the information to the Area supervisors. Area supervisors attempt to follow-up on the incomplete reports to ensure they are ready for the public before the eighth day completion deadline has lapsed.

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It was noted that on the Area 2009 Strategic Plan Field Command Quarterly Report that Area did not report quarterly on their preliminary Fatal/Malt/Hit and Run reports that were completed within eight business days. After discussing the reporting criteria with the Area AI review officer, it appears the Area's average was 100 percent completion of preliminary reports within 8 days.

FINDINGS REQUIRING FOLLOW-UP:

1. Field personnel are not consistently completing CHP 215s, Notice to Appear, in accordance with HPM 100.9, relative to inclusion of all required information.
2. The PAS Coordinator is not ensuring the PAS devices are consistently calibrated every 10 days, in accordance with HPM 70.4.
3. Field personnel are not consistently completing the upper portion of CHP 422 forms, in accordance with Area SOP and HPM 100.9.
4. Field personnel are not consistently adhering to HPM 70.4 in regards to Field Sobriety Testing and Chemical Testing.
5. Policy contained in Chapter 11 of HPM 70.4 requires commands to establish SOP of call out procedures for DREs. The command has no SOP specific to DREs.

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Commander's Response: ☐ Concur or ☐ Do Not Concur (Do Not Concur shall document basis for response)

Inspector's Comments: Shall address non concurrence by commander (e.g., findings revised, findings unchanged, etc.)

Required Action

Corrective Action Plan/Timeline

Please provide your corrective action plan in the form of a memorandum.

<input type="checkbox"/> Employee would like to discuss this report with the reviewer. (See HPM 9.1, Chapter 8 for appeal procedures.)	COMMANDER'S SIGNATURE  AIC 9262	DATE 7-2-10
	INSPECTOR'S SIGNATURE 	DATE 6/24/10
<input type="checkbox"/> Reviewer discussed this report with employee <input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do not concur	REVIEWER'S SIGNATURE 	DATE 7/13/10

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Collisions, Enforcement, and Services

Command:	Division:
Fort Tejon	Central
Evaluated By: Lt. Gilmore	
Assisted By: Sgt. Drewry	

Utilize the 'Comments' section to provide details regarding changes in totals or any other significant details.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Totals	Total Incidents	Pe
Month															
Number of Investigations (excluding DUI and 10851)	2	2	6	7	10	5	5	4	4	6	3	1	55		
Number cleared by arrest	2	2	5	7	10	5	5	4	4	6	3	1	54	NA	
Number filed by district attorney (D.A.)	2	2	5	7	9	4	3	4	3	6	2	1	48		
Number of convictions	2	2	2	6	9	4	3	4	3	6	1	1	43	NA	
Number of DUI arrests	12	5	15	13	14	19	13	15	9	9	6	6	136		
Number filed by district attorney (D.A.)	12	5	15	13	14	19	13	15	9	9	6	6	136	NA	
Number of convictions	10	5	11	12	12	11	19	12	6	9	4	6	117	NA	
Number of vehicles stolen	0	0	2	0	0	1	1	0	9	1	0	0	14		
Number of vehicles recovered	0	2	5	1	0	0	3	2	3	3	1	2	22		
Number cleared by arrest	0	0	1	0	0	0	0	0	0	3	0	2	6	NA	
Number filed by district attorney (D.A.)	0	0	1	0	0	0	0	0	0	1	0	2	4	NA	
Number of convictions	0	0	1	0	0	0	0	0	0	0	0	2	3	NA	

Comments: